



Santa Clara Police Training Flash



647.9 PC Invasion of Privacy: First Responders

KTLA 5: "Deputies shared graphic photos of Kobe Bryant crash scene"

Starting January 1st, 2021, 647.9 PC will take into effect. This bill would make it a misdemeanor for a first responder who responds to the scene of an accident or crime to capture the photographic image of a deceased person for any purpose other than an official law enforcement purpose or a genuine public interest. This law also allows a search warrant to be issued, upon probable cause supported by affidavit, on the grounds that the property of things seized consists of evidence showing the first responder has engaged or is engaging in the crime of 647.9 PC.

"647.9. (a) A first responder, operating under color of authority, who responds to the scene of an accident or crime and captures the photographic image of a deceased person by any means, including, but not limited to, by use of a personal electronic device or a device belonging to their employing agency, for any purpose other than an official law enforcement purpose or a genuine public interest is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000) per violation."

"1524. (a) A search warrant may be issued upon any of the following grounds:..."

"...(20) When the property or things to be seized consists of evidence that tends to show that a violation of Section 647.9 has occurred or is occurring. Evidence to be seized pursuant to this paragraph shall be limited to evidence of a violation of Section 647.9 and shall not include evidence of a violation of a departmental rule or guideline that is not a public offense under California law."

Always use your work phone when capturing evidence pertaining to an investigation and don't share your photos.



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